

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHEN HORN (#241981),

Plaintiff,

CASE NO. 5:13-CV-14626
JUDGE JUDITH E. LEVY
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

TUSCOLA COUNTY JAIL,
RAMIREZ and
JOHN DOE,

Defendants.

ORDER REGARDING IDENTIFICATION OF JOHN DOE DEFENDANT

A. Two (2) of the Three (3) Defendants Have Appeared.

Stephen Horn (#241981) is currently incarcerated at the MDOC's Carson City Correctional Facility (DRF). *See* www.michigan.gov/corrections, "Offender Search;" *see also* Doc. Ent. 19. On November 7, 2013, while incarcerated at the Central Michigan Correctional Facility (STF), Horn filed a verified prisoner civil rights complaint against three (3) defendants: the Tuscola County Jail (TCJ), Officer Ramirez and an unknown doctor. Doc. Ent. 1 at 2 ¶¶ 2-4 & 17.

An appearance of counsel has been entered on behalf of defendants TCJ and Officer Ramirez. Doc. Ent. 11. These defendants filed an answer to the complaint on December 16, 2013. Doc. Ent. 10.¹

¹Judge O'Meara has referred this case to me for pretrial matters. Doc. Ent. 7. On May 13, 2014, this case was reassigned from Judge O'Meara to Judge Levy. Doc. Ent. 18.

B. The Attempt to Serve the Remaining Defendant, Identified by Plaintiff as Dr. Reese, Has Not Been Successful.

By a November 13, 2013 order, Magistrate Judge Whalen directed plaintiff to provide the Court with information needed to effectuate service regarding the unknown defendant. Doc. Ent. 4. On December 2, 2013 (Doc. Ent. 9) and again on January 16, 2014 (Doc. Ent. 13), plaintiff identified this defendant as Dr. Reese, with an address at the TCJ, 420 Court Street, Caro, Michigan 48723. *See* Doc. Entries 9 & 13.

On February 11, 2014, I entered an order (Doc. Ent. 15) conditionally granting plaintiff's January 16, 2014 motion for appointment of counsel (Doc. Ent. 14) and directing the U.S. Marshal to attempt service upon Dr. Reese at the TCJ.

On May 1, 2014, the U.S. Marshal acknowledged receipt of documents for service of process upon defendant Reese. Doc. Ent. 16. By a letter dated May 5, 2014, the Tuscola County Sheriff's Office acknowledged its receipt of a summons for Dr. Reese; however, the letter states that it does not have an employee by the name of Dr. Reese. Furthermore, the letter indicates that TCJ's health services provider "has also stated that there is no employee by the name of Dr. Reese employed through them." Doc. Ent. 17.

C. Order

Upon consideration, plaintiff SHALL, within thirty (30) days of the date of this order, provide the name, identity **and address** of the unknown defendant named in this complaint to this Court or the complaint will be dismissed without prejudice against this defendant.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of service of a copy of this order within which to file an appeal for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: September 11, 2014

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE